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### Agreement with certain Indians in Oklahoma.

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H.R. Rep. No. 1585, 53rd Cong., 3rd Sess. (1895)

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## AGREEMENT WITH CERTAIN INDIANS IN OKLAHOMA.

JANUARY 15, 1895.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany H. R. 2876.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2876) to ratify and confirm an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect, having given the same careful consideration recommend its passage, with the following amendments:

Add the following words to article 7, page 5: "that whenever said lands are abandoned for school purposes the same shall revert to said Indian tribes and be disposed of for their benefit."

Strike out all after the word "written," on page 6; strike out all on pages 7 and 8, and all on page 9 down to "therefore."

After the word "confirmed," in line 4, page 9, add the following words: "as herein amended."

On page 10, section 2, strike out all after the word "sum," in line 4, down to and including the word "approximately," in line 6.

Strike out all after the word "agreement," in line 9, page 10, down to and including the word "half," in line 16, and insert in lieu thereof the following words: "subject to such reduction as may be found necessary under article 5 of said agreement, and provided that no part of said sum shall be paid except as hereinafter provided."

In lines 5 and 6, section 3, page 10, strike out the following words: "and said per capita payments to the Indians."

In line 23, page 11, after the word "lands," add the following:

*And provided further,* That any qualified entry man having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entry men.

Add the following sections to said bill, to wit:

SEC. 6. That as fast as the lands opened for settlement under this act are sold, the money received from such sales shall be covered into the Treasury and placed to the credit of the said Wichita and affiliated bands of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the same is fully settled.

SEC. 7. That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Wichita and affiliated bands of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and deter-

mine the said claim of the Choctaws and Chickasaws and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States, and the Choctaw and Chickasaw nations, and the Wichita and affiliated bands of Indians in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States, and either of said tribes or bands shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

SEC. 8. That said action shall be presented by a single petition making the United States and the Wichita and affiliated bands of Indians parties defendant and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agent, or attorney of said Indians upon his information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act their claim shall be forever barred.

SEC. 9. That the mineral laws of the United States are hereby extended over the lands ceded by the foregoing treaty.

Your committee, being satisfied that all the parties interested are anxious to have the land ceded by this treaty opened to settlement without further delay, have thought it best to add sections 6, 7, and 8.

These three sections are also necessary, in the judgment of your committee, for the reason that the land is located in what is termed the "leased district," and the Choctaw and Chickasaw nations claim that by the treaty of 1866 they only ceded the land in trust, and that as soon as the Wichita and affiliated bands of Indians abandoned the land so much of it as they do not take by allotment reverts to said Choctaw and Chickasaw nations, while it is claimed on the part of the United States that by said treaty of 1866 the Choctaws and Chickasaws, for a valuable consideration, ceded all their rights, title, and interest in and to said lands to the United States.